

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Granted.
Loren L. Litkovitz
12/20/18

AMBER TRIPLETT,

Plaintiff,

v.

Nancy A. Berryhill,
Acting Commissioner Of
Social Security,

Defendant.

Case No. 1:17-cv-618

Judge Barrett

Magistrate Judge Litkovitz

MOTION TO EXTEND STAY OF PROCEEDINGS

On September 14, 2017, Plaintiff filed a complaint challenging a final agency decision of the Commissioner pursuant to 42 U.S.C. §§ 405(g) and 1383(c). Doc. #2. On January 12, 2018, Plaintiff filed an Unopposed Motion to Stay District Court Proceedings Pending Resolution of the Sixth Circuit's decision in *Hicks, et. Al. v. Berryhill*, No. 17-5206 (6th Cir. 2017). Doc. #9. The Court granted Plaintiff's motion on January 16, 2018. Doc. #10.

On November 21, 2018, the Sixth Circuit issued a decision in *Hicks*, holding that the Commissioner's redetermination process pursuant to sections 205(u) and 1631(e)(7) of the Social Security Act violated the Due Process Clause of the Fifth Amendment and the Administrative Procedure Act. The court also held that the redetermination process did not violate the Social Security Act.

The time for the Commissioner to seek rehearing in *Hicks* has not yet passed, and the Court's decision is therefore not yet final. The Commissioner has requested an extension of time, until February 6, 2019, to seek further action from the Sixth Circuit, *see* Fed. R. App. P. 35(c),